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Pro Se Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

ALLAN MILLER

Plaintiff,

vs.

HFN, INC., a Delaware Corporation, d/b/a as
NANOHEAL BY HFN INC.,
KALAARI CAPITAL ADVISORS
PRIVATE LIMITED, an Indian Company,
SRIDHAR SANTHANAM,
KUMAR SHIRALAGI, PAVAN VAISH,
and VANI KOLA

Defendants.

Case Number: 2:23-cv-00733-CMR

**PLAINTIFF'S MOTION FOR ENTRY
OF DEFAULT AGAINST DEFENDANT
PAVAN VAISH**

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

Plaintiff Allan Miller ("Miller" or "Plaintiff"), pursuant to DUCivR § 55-1(a) and Fed. R. Civ. P. § 55(a), respectfully files this Motion for Entry of Default against defendant Pavan Vaish ("Vaish" or "Defendant").

On October 31, 2023, Miller filed the present first amended complaint ("FAC") against Vaish for aiding and abetting fraudulent conversion (Dkt. 13, ¶¶ 126-129 and ¶¶ 198-201), breach of fiduciary duty (*Id.* at ¶¶ 158-164, ¶¶ 230-236, ¶¶ 303-308, ¶¶ 355-361, and ¶¶ 466-471), aiding and abetting breach of fiduciary duty (*Id.* at ¶ 171 and ¶ 243), and fraudulent misrepresentation of an ESOP (*Id.* at ¶¶ 420-428).

On January 17, 2024, the Clerk of this Court formally effectuated service of the Summons and Complaint upon Vaish through the Hague Convention, as an Indian citizen with residence in India.

On or about March 1, 2024, the Indian process server Sh. Karan met Vaish and presented the complaint and summons, but Vaish "refused to receive the summons and orally stated that the summons should be returned to the sendor[sic]." (Dkt. 45, p. 7)

Vaish has refused service of the summons by this Court and has failed to respond to the FAC within 21 days.

The Plaintiff respectfully requests that the Clerk of Court enter default against Defendant Vaish, on the record before the Court, pursuant to DUCivR § 55-1(a) and Fed. R. Civ. P. § 55(a).

Date: May 24, 2024

By: /s/ Allan A. Miller
Allan Miller
Plaintiff (Pro se)

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF UTAH, CENTRAL DIVISION**

ALLAN MILLER,

Plaintiff,

v.

HFN, INC., a Delaware Corporation, d/b/a
NANOHEAL BY HFN INC., KALAARI
CAPITAL ADVISORS PRIVATE LIMITED, an
Indian Company, SRIDHAR SANTHANAM,
KUMAR SHIRALAGI, PAVAN VAISH, and
VANI KOLA,

Defendants.

CLERK'S ENTRY OF DEFAULT

Case No. 2:23-CV-00733-CMR

Magistrate Judge Cecilia M. Romero

On this _____ day of _____, 2024, it appearing from the
affidavit(s) in support of default of Pavan Vaish, that Vaish has failed to plead or otherwise defend
herein as provided by the Federal Rules of Civil Procedure;

Now, therefore, the default of defendant Pavan Vaish is hereby entered.

Gary P. Serdar, Clerk of Court

By: _____

Deputy Clerk

Certificate of Service

I certify that Plaintiff Allan Miller:

1. has registered for Email Filing and Electronic Notification pursuant to DUCivR 5-1(b)(1)(A);
2. has verified that the above document meets the requirements outlined in DUCivR 5-1(b)(1)(A);
3. has filed this document electronically through email to utdecf_clerk@utd.uscourts.gov; and
4. has served all non-ECF parties by an acceptable means pursuant to DUCivR 5-1(b)(1)(A)(ii)(g).

Accordingly, the document will be served upon all ECF parties through the Court's ECF system.

Date: May 24, 2024

Signature: /s/ Allan A. Miller

Printed name: Allan A. Miller